Attorney Docket # 4925-160RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serge HAUMONT

Serial No.: 09/980,657

Filed: February 15, 2002

For: New Method for Checking the Data

Examiner: Lipman, Jacob
Group Art: 2134

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Date of Signature

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant requests review of the Final Rejection in the above-referenced application. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

In the Office Action dated November 27, 2006, independent claim 13, and dependent claim 14 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,727,065 ("*Dillon*"). No new matter has been added. Reconsideration of the application is respectfully requested.

The Office Action (pg. 2, paragraph 2) states:

> Dillon discloses a receiver for receiving data (broadcast center 150) over a telecommunications network (column 1 lines 11-14, column 3 lines 42-45) including, ***means for deriving a first reference value from the received data (engine specific key, column 11, lines 4-6)***, means for calculating an error check value from the received data (encrypted received checksum, column 12 lines 10-11), means for deriving an authentication value for the received data (decrypted billing information, column 8 lines 26-35), means for calculating a second reference value (broadcast center generated checksum, column 10 line 66-column 11 line 6) ***at least partly based on the authentication value (decrypted billing information) and the first reference value (engine specific key)***, and means for comparing the second reference value with the error check value determining whether the received data has changed during transmission (column 12 lines 5-14). (Emphasis Added)

Dillon fails to teach the invention recited in amended independent claim 13. Firstly, Applicant notes the Examiner does not refer to a condition in *Dillon* in which the user's receiver receives the delivered files but rather to the condition in which the broadcast center 150 receives the billing information from the user's receiver. Consequently, the Examiner has concluded that the broadcast center disclosed in *Dillon* is a "receiver".

Dillon relates to a method and apparatus for implementing an electronic document delivery system where both documents and billing information are encrypted during transmission (see col. 1, lines 13-15). However, *Dillon* fails to teach the limitation "deriving a first reference value from the received data", i.e. an engine specific key, as asserted by the Examiner. The skilled person would not develop an encryption system in which the encryption key would be transmitted along with the encrypted data. Moreover, *Dillon* teaches a system in which the broadcast center does not derive the engine specific key from the data that it receives. Rather, *Dillon* (col. 11, lines 4-6) teaches a system in which the broadcast center reads the engine specific key from a secure memory location of its own.

In addition, *Dillon* fails to teach the limitation "calculating an error check value from the received data", e.g., decrypting the received checksum at the broadcast center, as asserted by the Examiner. *Dillon* (col. 11, lines 6-13) states, "in the execution of function F11, security engine 130 periodically, e.g., monthly, sends billing information to broadcast center 150. The billing information details which documents were received (by document ID) and when they were received during the billing period. Security engine 130 encrypts the billing information using a public key of broadcast center 150. Alternately, the billing information may be protected by a checksum but not encrypted". *Dillon* thus teaches the provision of two alternatives, i.e., either the billing information is encrypted with the public key of the broadcast center or the billing information comes protected by a checksum but not encrypted. It follows that there is no need for the broadcast center to decrypt or otherwise calculate the checksum. Such a requirement is eliminated because *Dillon* teaches that if a checksum is used, it arrives in plaintext and the broadcast center merely reads it from the transmission containing the billing information.

Dillon fails to teach the limitation "deriving an authentication value for the received data", e.g., decrypting the billing information, as asserted by the Examiner. The billing information is the received data in *Dillon*. Applicant respectfully asserts that the received data can hardly be an authentication value of itself. *Dillon* fails to teach independent claim 13 for at least this additional reason.

Lastly, *Dillon* fails to teach the limitation "at least partly based on the authentication value, and the first reference value," e.g., using the billing information and the engine specific key for recalculating the checksum, as asserted by the Examiner. However, Applicant respectfully disagree with the teachings of *Dillion*. As stated previously, the received data cannot be an authentication value of itself. In addition, the engine specific key taught in *Dillon* could not have been derived from the received data. Consequently, Dillon fails to teach claim 13 for at least this additional reason.

In sum, *Dillon* fails to teach, *inter alia*, "deriving a first reference value from the received data" and "at least partly based on the authentication value, and the first reference value", as well as "calculating an error check value from the received data" and "deriving an authentication value for the received data," each of which are recited in independent claim 13.

In view of the foregoing, Applicant respectfully asserts that independent claim 13 is patentable over *Dillon* and, thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are in order, and a notice to that effect is earnestly solicited.

In view of the patentability of amended independent claim 13, for the reasons set forth above, dependent claim 14 is patentable over the prior art.

Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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By _____

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